

APPEAL NO. 040286
FILED APRIL 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 7, 2004. One of the issues was: "Does the compensable injury of _____, extend to include the [sic] bilateral carpal tunnel syndrome [CTS] and bilateral cubital tunnel syndrome [CuTS]." The hearing officer determined that the compensable neck and right shoulder injury does not extend to include bilateral CTS and bilateral CuTS and that the appellant (claimant) has not had disability from February 15, 2003, through the date of the CCH.

The claimant appeals, requesting that we review certain exhibits, asserting that her job was very repetitive, that her specific event injury her CTS and the doctors say that she has bilateral CTS and CuTS. The appeal file does aggravated not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant was employed as an assembly line worker, assembling antennas. On (subsequent date of injury), the claimant sustained a specific incident work injury when an antenna slipped and the claimant felt a "popping" in her right wrist and neck when she tried to hold onto or catch the antenna. The carrier accepted a compensable neck and right shoulder injury.

The claimant sought and received treatment from a chiropractor. The claimant was referred to a neurologist for an EMG/nerve conduction study. A report dated March 1, 2002, was interpreted as showing bilateral CTS, bilateral CuTS, and left sided C7 radiculopathy. MRI studies of the right wrist and neck performed on March 8, 2002, showed evidence consistent with CTS, wrist effusion, and possible inflammatory arthritis. The claimant was referred to an orthopedic surgeon who recommended cervical epidural steroid injections (ESI). The claimant had an ESI on June 20, 2002. The hearing officer commented, and is supported by the medical evidence, that the claimant did not have any left upper extremity problems until after the June 20, 2002, ESI. Dr. D, a Texas Workers' Compensation Commission-required medical examination doctor, in a report dated October 14, 2003, is of the opinion that the CTS and CuTS could not be caused by the single incident where the claimant grabbed the falling antenna. Dr. D attributes the claimant's problems to the ESI, which he believes "hit a cervical nerve root." Dr. D also believes that evidence of CTS and CuTS was of a preexisting condition. The designated doctor, in a report dated January 9, 2003, is of the opinion that the CTS and CuTS "in no way is related to the work injury date of _____." Reports from Dr. Z in March and July 2003 indicate that he believes that the claimant's "wrist and elbow problems are related to an aggravation of her hands

caused by the job she was doing” for two years, ten hours a day, four days a week. (Dr. Z is assuming a repetitive trauma injury rather than a single event injury.) The claimant also is asserting the repetitiveness of her job and that it aggravated the CTS and CuTS.

In any event, whether the claimant’s bilateral CTS and CuTS symptoms were caused by or aggravated by the compensable injury are questions of fact to be resolved by the hearing officer. There was conflicting evidence presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer’s decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer’s decision and order are affirmed.

The true corporate name of the insurance carrier is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PARKER W. RUSH
1445 ROSS AVENUE, SUITE 4200
DALLAS, TEXAS 75202-2812.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

CONCUR IN THE RESULT:

Edward Vilano
Appeals Judge